

FREDERICK G. KUHNER

IBLA 70-388

Decided December 27, 1971

Oil and Gas Leases: Consent of Agency

An acquired lands oil and gas lease offer must be rejected when the agency having jurisdiction over the land does not consent to the issuance by this Department of a lease.

Oil and Gas Leases: Acquired Land Leases -- Oil and Gas Leases: Land Subject To

Where during the pendency of an acquired lands oil and gas lease offer, the lands in issue, including all minerals therein, are conveyed out of federal ownership, the jurisdiction of the Department ceases over the mineral deposits therein and the offer must be rejected.

IBLA 70-388 : ES 5861

FREDERICK G. KUHNER : Acquired lands oil
: and gas lease offer
: rejected

: Affirmed

DECISION

Frederick G. Kuhner has appealed to the Secretary of the Interior from a decision of the Eastern States land office, Bureau of Land Management, dated October 24, 1969, which rejected his acquired lands oil and gas lease offer, ES 5861 (Florida), because the Tennessee Valley Authority, the agency having jurisdiction of the lands, did not consent to the lease.

Appellant states that the reason given by the Tennessee Valley Authority was insufficient cause for rejection of his application. The reason given by the Authority is as follows:

TVA is considering plans for its Florida phosphate reserve land that render it unavailable for leasing at this time.

An acquired lands oil and gas lease may be issued only if the agency having jurisdiction over the land consents to such issuance. 30 U.S.C. § 352 (1970); Duncan Miller, A-29582 (August 2, 1963).

Moreover, the Board has been informed by the Tennessee Valley Authority by letter of November 11, 1971, that the Authority has sold all of its interest in the lands involved in the case at bar, including the mineral estate. Since the oil and gas is no longer in federal ownership, there is no further jurisdiction over it in this Department and the offer must stand as properly rejected. See Kelso B. Morris, A-28070 (October 26, 1959); Klukwan Iron Ore Corporation, A-28860 (August 15, 1962). Cf. Everett Elvin Tibbetts, 61 I.D. 397 (1954).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed.

Frederick Fishman, Member

We concur:

Anne Poindexter Lewis, Member

Edward W. Stuebing, Member

